

REMARKS

In the Office Action mailed February 24, 2006, the Examiner noted that claims 1-21 were pending, and rejected claims 1-21. Claims 1, 9-13, 17 and 19-21 have been amended, and, thus, in view of the forgoing claims 1-21 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

In the Office Action the Examiner rejected claims 12 under 35 U.S.C. section 101. The claim has been amended in consideration of the Examiner's comments and it is submitted it satisfies the requirements of the statute. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the rejection is requested.

On page 3 of the Office Action, the Examiner rejected all claims under 35 U.S.C. § 102 as anticipated by Ginter.

Ginter, as noted by the Examiner particularly in columns 83 and 88, discusses a system that includes task management and memory allocation where a kernel 680 performs these operations. In particular,

Kernel 680 manages the basic hardware resources of electronic appliance 600, and controls the basic tasking provided by ROS 602. Kernel 680 in the preferred embodiment may include a memory manager 680a, a task manager 680b, and an I/O manager 680c. Task manager 680b may initiate and/or manage initiation of executable tasks and schedule them to be executed by a processor on which ROS 602 runs (e.g., CPU 654 shown in FIG. 8). For example, Task manager 680b may include or be associated with a "bootstrap loader" that loads other parts of ROS 602. Task manager 680b may manage all tasking related to ROS 602, including tasks associated with application program(s) 608. Memory manager 680a may manage allocation, deallocation, sharing and/or use of memory (e.g., RAM 656 shown in FIG. 8) of electronic appliance 600, and may for example provide virtual memory capabilities as required by an electronic appliance and/or associated application(s). I/O manager 680c may manage all input to and output from ROS 602, and may interact with drivers and other hardware managers that provide communications and interactivity with physical devices.

(See Ginter, col. 88, line 51-col. 89, line 4, inclusive of col. 88, lines 51-67)

In contrast, in a non-limiting example, the present invention of independent claims 1, 11-13, 17 and 19 discriminates between the secure and normal tasks and, in independent claims 1, 11, 12 and 19, also stores the code in an appropriate memory. As can be seen from the above discussion, Ginter does not teach or suggest such.

Additionally, In contrast, in a non-limiting example, independent claims 9 and 20

emphasize the storage of encrypted code in units, independent claims 9-13, 17 and 21 emphasize the validation of the code and, in independent claims 10 and 21, the issuing of a notification as to the validation. The management performed by Ginter as set forth above, does not teach or suggest such.

It is submitted that the present claimed of independent claims 1, 9-13, 17 and 19-21 invention patentably distinguishes over Ginter and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 2 calls the secure memory to verify the encrypted code in the units according to the verifying information. Ginter does not teach or suggest such. It is submitted that the dependent claims are independently patentable over the prior art.

It is noted that, on page 6, in paragraph 6, the Examiner appears to be placing a burden on the applicant that is unwarranted and beyond the authority of the Examiner. It is noted that it is the burden of the Examiner to make a prima facie case and the applicant has no duty to search a 315 page reference as is apparently being requested by the Examiner. This request by the Examiner is respectfully traversed.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 101. It is also submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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